



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, April 14, 2010

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Grif Chalfant, Council Member Ward 2*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

#### **20100153      Distinguished Budget Award**

Presentation of the Distinguished Budget Award to the Finance Department for their presentation of the current fiscal year budget. The award is the highest form of recognition in governmental budgeting and represents a significant achievement by the city.

#### **20100378      Tree City Presentation**

Tree City Awards presented by Joe Burgess from the Georgia Forestry Commission to Joan Ellars, Keep Marietta Beautiful and Jean Alice Tumlin, Vice Chairperson, Marietta Tree Keepers.

**20100380      National Public Works Week**

Presentation of a Proclamation to Dan Conn, Public Works Director, proclaiming the week of May 16, 2010 as National Public Works Week and calling upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

**20100381      175th Anniversary Scholarship Presentation**

Recognition of winners who participated in "The Spirit of Marietta" essay contest conducted by the Education Committee as part of the city's 175th Anniversary Celebration. The following students are recognized  
Fikela Hill - The Walker School - Finalist  
Kimberly Allen - Mt. Paran Christian School - Finalist  
Savannah King - Marietta High School - Winner

**20100469      Reliable Public Power Provider (RP3®)**

Tom Bell, Electrical Director, Marietta Board of Lights and Water, is presenting to Mayor Tumlin American Public Power Association's recognition of Marietta Power and Water as the first utility in the State of Georgia to receive the APPA RP3® designation.

**20100379      Graduates of the spring 2010 Citizens' Government Academy are**

Greg Barnes	Chris Johnson
Lynda Bricker	N. Sezin Manzagol
Jason Bourne	John Manzagol
Sandy Bullock	Tasha Mays
Bob Canada	Jaquelina Michienzi
Maria Cifelli	JoAnna Miller
Douglas Crooks	Robin Montgomery
Chris Eckenroth	Lori Nelson
Fay Ellis	Brenda Parker
John Falk	Ed Parker
Caludia Falk	Frank Rambo
Edward Fomond	Paul Shea
John Holmes	Gary Sullenger
J Carlos Jaramillo	Valerie Turley
Lon Jenkins	

*(Short video presentation)*

**PROCLAMATIONS:****20100247      Recognition of Darrell Dickerson**

Presentation of a Proclamation recognizing Darrell Dickerson who faithfully served the citizens and customers of the city of Marietta/BLW for 38 years for his generous creation of an endowment for the "Marietta First Award" presented to employees annually for consistently putting Marietta first in their actions and deeds.

**20100351      April 2010-Alcohol Awareness Month**

Proclamation naming April 2010 as National Alcohol Awareness Month is presented to Janice Caylor, Marietta Police Department, from Cathy Finck, Coordinator, Cobb Underage Drinking Task Force .

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****CONSENT AGENDA:**

**Consent agenda items are marked by an asterisk (\*).    Consent items are approved by majority of council.    A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

**MINUTES:****\*      20100333      Regular Meeting - March 10, 2010**

Review and approval of the March 10, 2010 regular meeting minutes.

**\*      20100441      Special Meeting - March 31, 2010**

Review and approval of the March 31, 2010 special meeting minutes.

**\*      20100384      Special Meeting - April 2, 2010**

Review and approval of the April 2, 2010 special called meeting minutes.

**MAYOR'S APPOINTMENTS:****CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

\*      **20100311      V2010-07 Marietta Housing Authority 268, 272, 280, 284, 286 and 300 Victory Drive and 127 Vista Circle**

V2010-07 [VARIANCE] MARIETTA HOUSING AUTHORITY request variances for property located in Land Lot 1286, District 16, Parcels 68, 69, 70, 71, 72, 85 and 67 and being known as 268, 272, 280, 284, 286 and 300 Victory Drive and 127 Vista Circle. Variance to reduce the minimum lot size from 5 acres to 2.85 acres; Variance to reduce the required rear yard setback along the northern property line from 40 feet to 0 feet; Variance to reduce the required side yard setback along the western property line from 25 feet to 0 feet; Variance to reduce the required buffer along the northern and western property lines from 35 feet to 30 feet. Variance to reduce the required spacing between buildings from 40 feet to 16 feet; Variance to allow the encroachment of sidewalk into the south end of the greenbelt buffer due to ADA compliance requirements. Ward 1.

*The Planning Commission recommends approval with stipulations*

*Vote: 6 – 0 – 0*

*Motion: Mrs. Watkins made a motion to recommend to city council that they approve this request for rezoning as submitted with the stipulations as submitted, seconded by Mr. Kinney.*

*Stipulations:*

- 1. Variance to reduce the minimum lot size from 5 acres to 2.85 acres [Section 708.11 (H)].*
- 2. Variance to reduce the required rear yard setback along the northern property line from 40 feet to 0 feet [Section 708.11 (H)];*
- 3. Variance to reduce the required side yard setback along the western property line from 25 feet to 0 feet [Section 708.11 (H)];*
- 4. Variance to reduce the required buffer along the northern and western property lines from 35 feet to 30 feet [Section 708.11 (H)].*
- 5. Variance to reduce the required spacing between buildings from 40 feet to 16 feet [708.11.G.2];*
- 6. Variance to allow the encroachment of sidewalk into the south end of the greenbelt buffer due to ADA compliance requirements [Section 710.05 (E)].*

*PUBLIC HEARING (all parties are sworn in)*

\* [20100127](#) **Code Enforcement - See below**

Approval of an ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia (see below).

Address	Lot #	Address	Lot #
28 Griggs Street	*	629 Henry Drive	CLBHS
494 Henry Drive	*	629 Henry Drive	CMMN
500 Henry Drive	L-1	636 Henry Drive	L-32
508 Henry Drive	L-2	644 Henry Drive	L-33
516 Henry Drive	L-3	648 Henry Drive	*
524 Henry Drive	L-4	652 Henry Drive	*
532 Henry Drive	L-5	655 Henry Drive	*
540 Henry Drive	L-44	656 Henry Drive	*
541 Henry Drive	L-45	700 Henry Drive	L-24
548 Henry Drive	L-43	708 Henry Drive	L-23
549 Henry Drive	L-46	716 Henry Drive	L-22
556 Henry Drive	L-42	724 Henry Drive	L-21
557 Henry Drive	L-47	732 Henry Drive	L-20
564 Henry Drive	L-41	740 Henry Drive	L-19
565 Henry Drive	L-48	741 Henry Drive	L-18
566 Henry Drive	*	749 Henry Drive	L-17
568 Henry Drive	*	757 Henry Drive	L-16
570 Henry Drive	*	765 Henry Drive	L-15
572 Henry Drive	L-40	773 Henry Drive	L-14
573 Henry Drive	L-49	781 Henry Drive	L-13
580 Henry Drive	L-39	789 Henry Drive	L-12
588 Henry Drive	L-38	797 Henry Drive	L-11
596 Henry Drive	L-37	805 Henry Drive	Detention Pond
604 Henry Drive	L-36		
612 Henry Drive	L-35		
620 Henry Drive	L-34		
624 Henry Drive	*		
628 Henry Drive	L-31		
300 Marietta Walk Lane	L-10	400 Marietta Walk Court	*
301 Marietta Walk Lane	*	401 Marietta Walk Court	L-55
310 Marietta Walk Lane	L-9	411 Marietta Walk Court	L-54
320 Marietta Walk Lane	L-8	421 Marietta Walk Court	L-53
330 Marietta Walk Lane	L-7	431 Marietta Walk Court	L-52
331 Marietta Walk Lane	*	441 Marietta Walk Court	L-51
340 Marietta Walk Lane	L-6	451 Marietta Walk Court	L-50

92 Marietta Walk Trace	L-27	392 Powder Springs Street	*
93 Marietta Walk Trace	L-28	404 Powder Springs Street	A
100 Marietta Walk Trace	L-26	408 Powder Springs Street	*
101 Marietta Walk Trace	L-29	412 Powder Springs Street	*
108 Marietta Walk Trace	L-25	422 Powder Springs Street	*
109 Marietta Walk Trace	L-30	426 Powder Springs Street	*
116 Marietta Walk Trace	L-72	430 Powder Springs Street	*
124 Marietta Walk Trace	L-71	436 Powder Springs Street	*
132 Marietta Walk Trace	L-70		
140 Marietta Walk Trace	L-69		
148 Marietta Walk Trace	L-68		
156 Marietta Walk Trace	L-67		
164 Marietta Walk Trace	L-66		
172 Marietta Walk Trace	L-65		
173 Marietta Walk Trace	L-56		
180 Marietta Walk Trace	L-64		
181 Marietta Walk Trace	L-57		
188 Marietta Walk Trace	L-63		
189 Marietta Walk Trace	L-58		
196 Marietta Walk Trace	L-62		
197 Marietta Walk Trace	L-59		
204 Marietta Walk Trace	L-61		
205 Marietta Walk Trace	L-60		

\*Denotes common areas (parcels that do not have lot numbers)

Listed Owner: JWH Marietta LLC, c/o Rowe Properties

Repeat Violation History: ( 4 ) previous cases since November 20, 2007.

Certified mail receipt received March 18, 2010 & March 27, 2010 (for Ordinance).

Certified mail receipt not received as of April 1, 2010 (for Show Cause).

Taxes paid: Unpaid; See Tax Department for Total

Ward: 5-A

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

\*      [20100352](#)      **Code Enforcement - 640 Springhollow Lane**

Approval of an ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 640 Springhollow Lane.

Listed Owner: Elgan Dalley

Repeat Violation History: None

Certified mail receipt not received as of April 1, 2010 (for Ordinance).

Certified mail receipt not received as of April 1, 2010 (for Show Cause).

Taxes paid: Yes

Ward: 2-B

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

\*      [20100354](#)      **Code Enforcement - 97 Rigby Street**

Approval of an ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 97 Rigby Street.

Listed Owner: Louise Burke & Heirs At Large, c/o Hattie Scott

Repeat Violation History: ( 6 ) previous cases since 2000.

Certified mail receipt returned March 29, 2010 (for Ordinance); signed by William Scott.

Certified mail receipt returned (for Show Cause) signed by William Scott on March 27, 2010.

Taxes paid: Unpaid, in the amount of \$2,904.67.

Ward: 5-A

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

\*      [20100355](#)      **Code Enforcement - 146 Rigby Street**

Approval of an ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 146 Rigby Street.

Listed Owner: Ella Glover

Repeat Violation History: ( 1 ) previous case since 2008.

Certified mail receipt received March 26, 2010 (for Ordinance); marked "Unable to Forward."

Certified mail receipt received March 29, 2010 (for Show Cause); marked "Unable to Forward."

Taxes paid: Yes

Ward: 5-A

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

\*      [20100356](#)      **Code Enforcement - 351 McArthur Drive**

Approval of an ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 351 McArthur Drive.

Listed Owner: Timothy Neal Weddington

Repeat Violation History: ( 8 ) previous cases since 1998.

Certified mail receipt received March 29, 2010 (for Ordinance); marked "Unable to Forward."

Certified mail receipt not received as of April 1, 2010 (for Show Cause).

Taxes paid: Yes

Ward: 5-A

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining



\*      [20100358](#)      **Code Enforcement - 353 McArthur Drive**

Approval of an ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 353 McArthur Drive.

Listed Owner: Timothy Neal Weddington

Repeat Violation History: ( 5 ) previous cases since 1999.

Certified mail receipt received March 26, 2010 (for Ordinance); marked "Unable to Forward."

Certified mail receipt not received as of April 1, 2010 (for Show Cause).

Taxes paid: Unpaid, in the amount of \$1,549.28.

Ward: 5-A

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\*      **20100387      Denial of claim**

Denial of claim of The Jacobs Family.

\*      **20100388      Denial of claim**

Denial of claim of Catherine McFarland.

\*      **20100389      Denial of claim**

Denial of Claim of Christopher and Shawndra Williams

\*      **20100400      Denial of claim**

Denial of claim of Beverly Stewart

\*      **20100401      Denial of claim**

Denial of claim of Paul F. Spruill.

\*      **20100402      Denial of claim**

Denial of claim of Al and Tiffany Ragin.

- \*      20100403      Denial of claim**

Denial of claim of Gregory and Juanita Redmond.
- \*      20100404      Denial of claim**

Denial of claim of Shane and Jill Robbins.
- \*      20100405      Denial of claim**

Denial of claim of Gerald and Cathye Robinson.
- \*      20100406      Denial of claim**

Denial of claim of Willie F. Smith.
- \*      20100407      Denial of claim**

Denial of claim of Olympia and Victory Smith.
- \*      20100408      Denial of claim**

Denial of claim of Donterrish Prayor.
- \*      20100409      Denial of claim**

Denial of claim of Patricia Platt.
- \*      20100410      Denial of claim**

Denial of claim of Nikki and Jack Pierce.
- \*      20100411      Denial of claim**

Denial of claim of Pranav Patel.
- \*      20100412      Denial of claim**

Denial of claim of Michael Otten and Markham Moore.
- \*      20100413      Denial of claim**

Denial of claim of Leon and Maude Moore.

- \*      20100414      Denial of claim**

Denial of claim of Clinton D. McGill.
- \*      20100415      Denial of claim**

Denial of claim of Michael and Mercedes McGee.
- \*      20100416      Denial of claim**

Denial of claim of Robin Manley.
- \*      20100417      Denial of claim**

Denial of claim of John and Lynda Lovett.
- \*      20100418      Denial of claim**

Denial of claim of Tammy Locklear.
- \*      20100419      Denial of claim**

Denial of claim of Uloma Livingstone.
- \*      20100420      Denial of claim**

Denial of claim of Marvin and Xandria Johnson.
- \*      20100421      Denial of claim**

Denial of claim of Tracy L. Jemison.
- \*      20100422      Denial of claim**

Denial of claim of Valarie Jacobs.
- \*      20100423      Denial of claim**

Denial of claim of Jesse and Nancy Hubbard.
- \*      20100424      Denial of claim**

Denial of claim of Terri Hembree.

- \*      20100425      Denial of claim**

Denial of claim of Robert and Cathy Hembree.
- \*      20100426      Denial of claim**

Denial of claim of John R. Haynes and Ann Haynes.
- \*      20100427      Denial of claim**

Denial of claim of Chris and Andrea Hawn.
- \*      20100428      Denial of claim**

Denial of claim of Adam Harper.
- \*      20100429      Denial of claim**

Denial of claim of Terrance and Deborah Golden.
- \*      20100430      Denial of claim**

Denial of claim of David and Amy George.
- \*      20100431      Denial of claim**

Denial of claim of Angela Garner and Lerone Erwin.
- \*      20100432      Denial of claim**

Denial of claim of David Gaines.
- \*      20100433      Denial of claim**

Denial of claim of Allison Gabriel.
- \*      20100434      Denial of claim**

Denial of claim of Zoe Francis.
- \*      20100435      Denial of claim**

Denial of claim of Joe and Harriett Bowen.

- \*     **20100437     Denial of claim**

Denial of claim of Raymond and Latrisha Anderson.
- \*     **20100438     Denial of claim**

Denial of claim of Chasidy Flowers.
- \*     **20100439     Denial of claim**

Denial of claim of Veronica Ellis.
- \*     **20100440     Denial of claim**

Denial of claim of Brian and Felicia DeShong.
- \*     **20100442     Denial of claim**

Denial of claim of George and Marilyn Defnall.
- \*     **20100443     Denial of claim**

Denial of claim of Juanita D. Crowder.
- \*     **20100444     Denial of claim**

Denial of claim of Shelia Cozine.
- \*     **20100445     Denial of claim**

Denial of claim of Danny Covington.
- \*     **20100446     Denial of claim**

Denial of claim of Sandra and Michelle Cherubin.
- \*     **20100447     Denial of claim**

Denial of claim of Vernon and Katrina Chandler.
- \*     **20100448     Denial of claim**

Denial of claim of Keely Ziegler.

\*      **20100449      Denial of claim**

Denial of claim of Shirley Elkins.

\*      **20100450      Denial of claim**

Denial of claim of Brian and Tara Mitchell.

\*      **20100451      Denial of claim**

Denial of claim of James Hunt.

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: Grif Chalfant, Chairperson**

\*      [20100270](#)      **PHA Plan**

Adoption of the five year PHA Plan and FY2011 Annual Plan for the City of Marietta Public Housing Authority.

PUBLIC HEARING REQUIRED

**2. Finance/Investment: Annette Lewis, Chairperson**

\*      [20100293](#)      **Acceptance of donation to Fire Museum**

Approval of an Ordinance amending the Fiscal Year 2010 Fire Museum budget to receive and appropriate a donation from Marietta Flea Market for \$1,100 for fire museum projects.

\*      [20100357](#)      **City Fee Chart Modification**

Approval of a Resolution amending the City Fee Chart for services and facilities at Laurel Park.

**20100215      Sister Cities Program**

Approval of an Ordinance amending the Fiscal Year 2010 General Fund budget to receive and appropriate a donation for support of the Sister Cities for \$2,500 and appropriate \$2,500 from fund balance for the Sister Cities program. \$2,500 donation to be paid to Sister Cities Program when received.

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson****\*      20100336      Ethics Committee Proposal**

Motion approving the Ethics Committee proposal to change Code Section 1-14-2-060 as requested by Warren Herron, Chairman, as follows  
Except as provided in paragraph C, If any elected official has a conflict of interest or has an interest that he has reason to believe either violates this code of ethics or affects his or her official acts or actions in any matter prohibited, the elected official shall immediately leave the meeting room, if the meeting is not open to the public. If the meeting is open to the public, the elected official shall move to the area the general public occupies. The elected official may however participate at any meeting open to the general public as would any other person attending the meeting, except as provided in paragraph C. In the event of such conflict of interest, the elected official shall leave his or her regular seat as a member of the Marietta City Council, and not return to it until the deliberation and action on the matter is completed.

**\*      [20100341](#)      Clarke Library**

Motion approving advertising for a public hearing to adopt the Design Guidelines and Preservation Plan for the Clarke Library.

**\*      [20100342](#)      Brumby Hall**

Motion approving advertising for a public hearing to adopt the Design Guidelines and Preservation Plan for Brumby Hall.

**\*      [20100343](#)      Marietta Waterworks Building**

Motion approving advertising for a public hearing to adopt the Design Guidelines and Preservation Plan for the Marietta Waterworks Building.

**\*      20100345      Proposed changes to Code Section 10-4-150 - Theft by Shoplifting**

Motion to amend the City Code by the deletion of Code Section 10-4-150, Theft by Shoplifting, as it is an unnecessary duplication of existing authority under state laws.

\* [20100349](#) **Code Enforcement Violations**

Motion approving the processing of code enforcement violations through the Marietta Municipal Court instead of City Council.

*Council Member Philip M. Goldstein voting against*

**4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson**

\* [20100301](#) **Parks and Recreation Master Plan**

Motion to approve the revised Parks Master Plan as presented with changes and approval of the publishing of "Appendix A, Statistics and Data."

[20100306](#) **Laurel Park**

Motion approving an Independent Contractor Agreement for the Laurel Park Tennis center and other amenities in Laurel Park.

\* [20100386](#) **Citizen's Advisory Committee for Marietta Parks (CACMP)**

Approval of a Resolution amending the by-laws for the CACMP to remove the attendance requirement.

\* **20100188 Naming of Park**

Motion to approve the naming of the new "triangle park" on Roswell Street as Joe Mack Wilson Park.

\* [20100452](#) **Parks Bond Improvements**

Motion to adopt the Tier System for Parks Bond Improvements.

\* [20100305](#) **Park Naming Guidelines**

Approval of an Ordinance adopting the establishment of naming guidelines for parks and recreation facilities.

*Council member King opposed.*

\* **20100483 Aviation Baseball/Softball Complex**

Motion to designate the Aviation Sports Complex for the use of baseball/softball.

*Council members Goldstein and Lewis voting against.*



**5. Personnel/Insurance: Van Pearlberg, Chairperson****6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Jim King, Chairperson****20100320 Marietta Power Fiber Project**

Motion to approve request from Marietta Power for variance from the Underground Utilities Ordinance on various city streets as part of the Marietta Power control systems fiber connectivity project. Approval is given for areas where existing lines are aboveground. If lines are buried underground in the future where the fiber lines are installed, the fiber lines will also go underground.

*Staff has asked that this item be tabled.*

**\* 20100321 Speed Humps on Campbell Hill Street**

Motion authorizing installation of speed humps on Campbell Street. Location and design to be determined by Public Works with all costs paid by Wellstar.

*Council Member Philip M. Goldstein voting against*

**\* 20100366 Canton Road Neighbors Request**

Motion to approve request from Canton Road Neighbors to plant and maintain flowers at the northwest corner of the Canton Connector and Sandy Plains and authorizing Public Works to enter into a mowing and maintenance agreement with GDOT for installation of the flowers and agreements between Canton Road Neighbors, Inc., and the City of Marietta, for maintenance of landscape areas.

**\* 20100367 Alexander St. between Roswell St. and Washington**

Motion authorizing Public Works to use remaining funds for project to resurface the roadway, install curbs and storm drain rehabilitation.

**20100393 Advertise for Closure and abandonment of a portion of Coggins Place Right of Way**

Motion authorizing Public Works to advertise for closure and abandonment of a portion of Coggins Place right of way.

**20100491      1018, 1024 and 1032 Roswell Street (Marcello Reyes)**

Motion to approve acquisition of Right of Way, Permanent Landscape Easements and Temporary Construction Easements at 1018, 1024 and 1032 Roswell Street from Marcello Reyes for the purpose of Roswell Street Improvements (Victory Drive to Cobb Parkway) Project in exchange for adjacent property owned by The City of Marietta. Subject to approval of the City Manager and Public Works Director.

**20100492** Motion authorizing acquisition and donations of various properties as stated below.

**360 N. Fairground Street**

Acceptance of donated utility, temporary construction and driveway easements from Michael W. Nelson for the purpose of the Fairground Street Improvements (Allgood Rd. to N. Marietta Parkway) Project.

**575/585/595 N. Fairground Street**

Acquisition of right of way, permanent easement, and temporary construction easements at 575/585/595 N. Fairground St. from Mirchi Holdings et al for the purpose of the Fairground Street (Allgood Rd. to N. Marietta Parkway) Improvements Project in exchange for \$43,210 with the following stipulations:

1. The temporary easement for construction and maintenance of slopes, as shown in the attached plat, shall terminate and cease to be of any further force or effect up on the completion of construction and maintenance as of 24 months from the date possession of the land is granted to the City of Marietta, which ever shall first occur
2. The City of Marietta shall, at all times, properly maintain in the easements herein granted, and prevent the same from becoming dangerous and/or unsightly.
3. The easements herein granted are non-exclusive, and the property owner shall be entitled at all times to travel over the easements, and to conduct any and all activities which they may desire to conduct provided the same to not unreasonably interfere with the City's use of said easements for the construction and maintenance of slopes.

**12 Cobb Parkway and 1040 Roswell St.**

Acquisition of right of way, permanent easement, and temporary construction easements at 12 Cobb Parkway and 1040 Roswell Street from H.J. Millwood et al for the purpose of the Roswell Street (Victory Drive to Cobb Parkway) Project in exchange for \$145,320 which includes compensation for relocating the existing sign or construction of a new monument style sign by H.J. Millwood et al meeting current City of Marietta ordinances with the following stipulations:

1. The City removes the existing abandoned sign post along the Roswell Street frontage.
2. The City constructs the relocated driveway at 1040 Roswell Street prior to closing the driveway from Roswell Street to the Cobb Parkway parcel.
3. The City will assist with the variance application and sign permit application due to the impact being caused by the roadway improvement project.

**690 Sandtown Road**

Acquisition of right of way, permanent easement, and temporary construction easements at 690 Sandtown Rd. from YNH Properties et al for the purpose of the

**102 S. Fairground Street**

Powder Springs Streetscapes Project in exchange for \$64,000 which includes compensation for removal of exterior sign and construction of a monument style sign meeting current City of Marietta ordinances.

**952 Roswell Street**

Acquisition of right of way, permanent easement, and temporary construction easements at 952 Roswell Street from Car Guys, Inc. for \$63,685.00 which includes compensation for owner to reconstruct/or relocate sign meeting current City Ordinances for the purpose of the Roswell Street Improvements (Victory Drive to Cobb Parkway) Project.

**560 N. Fairground**

Acquisition of right of way, permanent easement, and temporary construction easements at 560 N. Fairground Street from Feed My Lambs, Inc. for the purpose of the Fairground Street Improvements (Allgood Rd. to N. Marietta Parkway) Project in exchange for \$2,420.00.

Fairground Street (N. Marietta Parkway to S. Marietta Parkway) Easements Acquisition of donated temporary construction and driveway easements for the purpose of the Fairground Street Improvements (N. Marietta Parkway to S. Marietta Parkway) Project for the following properties:

655 Frasier St., from L.M Heddon, no stipulation.

662 Frasier St., from Ecliserio Rojo-Alvarez, no stipulation.

652 Frasier St., from Frank Watts, no stipulation.

661 Frasier St., from Anthony T. Dallavalle, stipulation for driveway to remain open.

**20100493****102 S. Fairground Street**

Motion authorizing acquisition of donated temporary construction and driveway easement from Marguerite D. and Tony M. Little for the purpose of the Fairground Street Improvements (N. Marietta Parkway to S. Marietta Parkway) Project.

**SCHEDULED APPEARANCES:**

*Ms. Rhonda Jackson, Partnership Specialist for Census Bureau  
Update on census information for Marietta*

**UNSCHEDULED APPEARANCES:****OTHER BUSINESS:**

**20100312      V2010-08 Georgia-Cumberland Association (Marietta Seventh Day Adventist Church) 1440 Field Park Circle**

V2010-08 [VARIANCE] GEORGIA-CUMBERLAND ASSOCIATION (MARIETTA SEVENTH DAY ADVENTIST CHURCH) request variances for property located in Land Lot 08680, District 16, Parcel 0080 and being known as 1440 Field Park Circle. Variance to locate an additional use on a parcel with an existing general advertising/off-premise sign; Variance to reduce the required distance between a general advertising/off-premise sign and a church or school from 500 feet to 204 feet; Variance to reduce the minimum driveway width from 20 feet to 15 feet. Ward 4.

**20100282      V2-10-06 Loretta L. David (The Marlow House) 192 Church Street**

V2010-06 [VARIANCE] LORETTA L. DAVID (THE MARLOW HOUSE) request variances for property located in Land Lot 11590, District 16, Parcel 0270 and being known as 192 Church Street. Variance to allow four (4) signs to be attached to a fence; Variance to increase the allowable height for nostalgic signs from six (6) feet to seven and one-half feet (7'6"); Variance to reduce the required setback from five (5) feet to zero (0) feet; Variance to allow an announcement sign contain advertising and not be located in a window; Variance to allow a portable display sign; Variance to allow a sign to be placed upon a sidewalk or public right-of-way. Ward 4.

**\*      20100353      Land and Water Conservation Fund (LWCF) pre-application and funding authorization**

Approval of a resolution authorizing the submittal of a LWCF pre-application and commitment to provide matching funds in the event the project is recommended for funding by the Department of Natural Resources.

**\*      20100335      BLW Actions of April 12, 2010**

Review and approval of the April 12, 2010 actions and minutes of the Marietta Board of Lights and Water.

*Motion to approve the BLW Actions and Minutes of April 12, 2010, with the exception of agenda items 20100460 and 20100482 related to the Short-term Power Sales Agreement with MEAG.*

**ADJOURNMENT:**